

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ENREST JORD GUARDADO,

Petitioner,

vs.

STATE OF NEVADA, et al.,

Respondents.

3:11-cv-00248-RCJ-VPC

ORDER

Petitioner has submitted a habeas corpus petition pursuant to 28 U.S.C. § 2254 and a motion for leave of Court to file a longer petition (ECF Nos. 1-1 and 1-2) and a motion for stay and abeyance (ECF No. 3). He has also now filed an appropriate motion for leave to proceed *in forma pauperis*. (ECF No. 5) Based on the information provided regarding petitioner's financial circumstances, the motion to proceed *in forma pauperis* will be granted. The petition shall be filed and served upon respondents.

Petitioner's motion for stay and abeyance indicates that only one of his grounds for relief is exhausted in state court and that he is currently attempting to have the remittitur recalled in his state post-conviction appeal because counsel failed to inform him of the entry of the order of affirmance and because counsel also failed or refused to raise the additional grounds for relief in his appeal. (ECF

1 No.3.) The petition and motion shall be served and respondents shall be given an opportunity to respond
2 to the motion for stay and abeyance.

3 **IT IS THEREFORE ORDERED** that the application to proceed in *forma pauperis*
4 (ECF No. 5) is **granted**.

5 **IT IS FURTHER ORDERED** that the motion for leave to file a longer petition (ECF
6 No. 1-1) shall be filed and docketed and is **granted**. The Clerk shall file and docket the petition (ECF
7 No. 1-2).

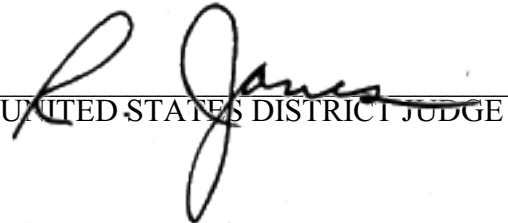
8 **IT IS FURTHER ORDERED** that the Clerk shall **ELECTRONICALLY SERVE** a
9 copy of the petition for writ of habeas corpus and petitioner's motion for stay and abeyance and a copy
10 of this order) upon respondents.

11 **IT IS FURTHER ORDERED** that the respondents shall file and serve a notice of
12 appearance of counsel on within twenty days of service of this Order.

13 **IT IS FURTHER ORDERED** that within thirty days of service of this Order,
14 respondents shall file and serve a response to the motion for stay and abeyance. Thereafter, petitioner
15 shall have twenty days to file his reply.

16 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney
17 General of the State of Nevada a copy of every document he submits for consideration by the court.
18 Petitioner shall include with the original paper submitted for filing a certificate stating the date that a true
19 and correct copy of the document was mailed to the Attorney General. The court may disregard any
20 paper that does not include a certificate of service. After respondents appear in this action, petitioner
21 shall make such service upon the particular Deputy Attorney General assigned to the case.

22 Dated, this 11th day of May, 2011.

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24 
25 UNITED STATES DISTRICT JUDGE
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